

TO THE BAR OF JUSTICE BY THE EFFORTS OF THE JOURNAL.



Commissioner G. H. T. Collis.

Collis as the Contractor's Associate Counsel.

HELPED BAIRD'S LAWYER.

Commissioner Assumed a New Role at Yesterday's Hearing.

FRAMED MANY QUESTIONS.

Was Proud, Too, of the Part He Took in Aiding the Cross-Examination.

OFFERED TO POSE FOR ARTIST.

When He Saw His Features Were Being Limned He Said: "I'll Sit for the Gentleman."

General C. H. T. Collis, Commissioner of Public Works, appeared in court in answer to a subpoena.

In Behalf of the Taxpayers That They Explain the Fifth Avenue Outrage; Magistrate Hedges Listening to the Testimony.

RY ON THE COMPLAINT IS BASED.

tails of the Tearing Up of Fifth Avenue Interference with Business.

and in answer the complainant went to Mr. Levy's questions. Mr. Audrain told briefly the facts upon which he bases his complaint. "About three weeks ago when they were working in front of my place at Thirty-first street, they had the pipes laid up to Thirty-fourth street," replied Mr. Audrain.

ITION.

FOR CHARGES OF NEGLIGENCE OF

of Public Works

COLLIS.

taxpayers, Etc., to Honorable

of the City of New York:

C. Collis, as Commissioner of

of New York, appointed to that

of this city, has utterly

form his plain duty under the

by allowing the contractor

struction of the sewers and water

other streets to delay said works

mit permitted by the plans and

stoner has suffered said Fifth

remain torn up and in a foul

tion, an injury to property values

and a menace to life and health;

stoner has entirely ignored all

in that behalf,

citizens, taxpayers and owners of

and elsewhere, respectfully

of the City of New York, to

removal of said Charles H.

Commissioner of Public Works

for the Removal of Collis.

for Strong on October 1. The signatures,

hundred, were obtained by representa-

se the leading business establishments

the earth up over about seven feet of the

about eight or ten feet high. It is so

rough the street. It was that way from the

end in August, well, in August they hardly

work done to speak of. About last Saturday

it the condition I describe, ever since last

for traffic in front of your place of busi-

ness in front of my store since last

time?

is entirely closed now, as I say you cannot

to avenue?"

One of the clauses of the contract, which Baird has persistently violated, forbids the depositing of pipe in or beside the street for more than a block beyond the place where the work is actually going on. His disregard of this regulation was made manifest in the testimony of almost every witness. Mr. Audrain bore the first testimony to it.

"Have you observed whether the pipes have been laid beyond the points where the work is actually being done, either above or below where the work was actually being done?" was the question.

"About three weeks ago when they were working in front of my place at Thirty-first street, they had the pipes laid up to Thirty-fourth street," replied Mr. Audrain.

Fought Tooth and Nail.

"Now," continued the witness, "they are digging up in front of my place again where they filled up before. At the corner, beside my store, the road is being opened up again. They are digging up the other side of the street, too, and throwing the dirt on my sidewalk again. The pile is bigger now than it was ever before."

Commissioner Levy then questioned Audrain about the fumes and odors which, during the months of Baird's delay, have risen from the neglected trenches, nauseating the passersby and, as physicians practicing in the Fifth Avenue neighborhood have declared, threatening the health of people who passed their time there.

"Have there been," he asked, "any perceptible odors rising from these excavations?"

"Yes," answered Audrain, earnestly. "There is a very foul odor coming up at the present time."

"Now," said Mr. Levy, "what effect have these excavations and blockadings and odors had upon your business?"

"I object," cried Baird's lawyer. "He declared that the matter of odors was not included in the sections of the statute upon which the complaint was based, and even after the amendment of the complaint by Mr. Levy, fought tooth and nail against all testimony to show the effect of Baird's blockade and continued excavations upon business."

Magistrate Hedges ruled with him, and after Mr. Levy had tried in a dozen ways to bring out the important evidence therein, framed a question which he said he would allow.

"What, to your knowledge," he asked, "has been done in Fifth Avenue to prevent the customary use of the street?"

"Well, there is this digging up in front of my store, and the piling up of the dirt and stones there, and carriages cannot drive through since last March. I have not had a carriage at my place since that time, and have not been able to have them come there. Besides that, there has not been a crossing at Fifth Avenue—not within fifty feet. The ladies would not come over. I have ladies come into the store, say they could not cross."

"Never mind what the ladies say," cried Baird's counsel. The witness was then taken in hand for cross-examination.

Carriages Blocked.

"Carriages can drive on Twenty-ninth street up near the corner of Fifth Avenue, can't they?" was asked.

"No, not near that corner, because of the obstruction."

"How far from the corner?"

"Oh, I should think about twenty feet."

"And you started something about when the excavation actually commenced in front of your place?"

"I believe about the first of June, since they have been working on that block."

"There was nothing from the first of March to the first of June to prevent anybody from driving up to your place?"

"Not right after March, but there was dirt there from March to June. It was not opened since June."

When the crusade against Baird was begun by the Journal, the gay young contractor could not be found anywhere along the line of the works. He was, the men said, not there much. The last of Mr. Audrain's testimony clinched the fact that Baird, who was keeping Fifth Avenue in ruins, paid small heed to the trouble he was causing until the Journal forced him to attend to business.

GENERAL COLLIS ON THE STAND

AS A WITNESS FOR THE CONTRACTOR.

His Line of Defence Agreed Upon Before He Testified in a Consultation in the Open Court Room.

Mr. Levy next called General Collis, Commissioner of Public Works, to the stand. General Collis hesitated a minute, and then, crossing the room, held hurried converse with Attorney Sheppard. The court and the audience waited patiently while the Commissioner and the attorney for the derelict contractor apparently agreed upon a line of defence to be used in cross-examination, and then General Collis took the stand. Sitting down with the air of one who is extremely bored by the whole proceedings General Collis leaned upon a cane and waited for the first question. Mr. Levy asked the General's name and then proceeded:

"You are the Commissioner of Public Works in the City of New York, are you not?"

The Commissioner of Public Works looked across at his counsel, Mr. Sheppard, as if to ask if he should answer the question. Receiving no sign from Mr. Sheppard, General Collis admitted that he was.

"Are you acquainted with the defendant, Mr. Baird?"

"I am."

"Do you know whether he is the contractor having the contract for the excavations on Fifth Avenue?"

Mr. Sheppard was promptly upon his feet, with a loud objection to this question. He declared that it was an improper question; that there was nothing to show that Mr. Baird had anything what ever to do with the obstructions on Fifth Avenue. Beaten from point to point he at last declared that if there was a contract, the document itself would be the best evidence. Twenty minutes was then consumed in debating whether it was or was not necessary to have the original contract produced in court. Mr. Levy contended that the tactics of the defence were directed simply toward consuming time. He added: "It is a matter of public knowledge that the defendant is the contractor for the alteration of Fifth Avenue."

Mr. Sheppard still hung to his point. General Collis, placidly chewed the head of his cane and waited. Finally the Court decided that Mr. Levy's original question was in order and directed General Collis to answer. General Collis replied:

William P. Baird is the contractor for laying water mains on Fifth Avenue.

For doing the work which is now in progress, and which has been in progress since when?

Since September, 1896, with the exception of the Winter months, when I stopped the entire work.

Until when?

Until Spring, until March.

And it was resumed, when?

Resumed in March, I think, about March 15; may be later; as soon as the frost was off the ground, and we could get at it.

There was still, according to the Court, some doubt as to Contractor Baird's exact connection with the case. Attorney Levy was prepared for this objection, and in his next question asked:

"Your subpoena required you to produce a certain letter?" "Yes."

"Did you produce a copy of the letter?" "Yes."

General Collis dipped into his coat pocket and produced a folded paper which he was about to hand to Mr. Levy, when Mr. Sheppard excitedly exclaimed:

"I object to the introduction of that letter at this time. I was only notified a few minutes ago to produce a copy of the document, and I have not had time to talk with my counsel."

"I have here," said Mr. Levy, quietly picking up a paper, "a notice to Mr. Sheppard to produce the paper, and here, on the back of it, is Mr. Sheppard's acknowledgment of service upon him. I see no reason why the document should not be accepted in evidence."

The Court held that the letter was admissible, and General Collis reluctantly passed over the copy. Without unfolding it, Attorney Levy asked:

"What is this paper you have handed to me?"

Attorney Sheppard immediately objected that the letter spoke for itself, and was the best evidence. Mr. Levy, with a cheerful smile, thereupon offered to read it, but Mr. Sheppard promptly objected.

"Are you going to object to everything?" asked Mr. Levy, with a tinge of irritation in his tone. "This might be a \$50 bill for all the Court knows."

"No," interposed the Magistrate. "The Court thinks it knows a \$10 bill when it sees one."

"Well," said Mr. Levy, turning again to General Collis, "is this a copy of the letter sent by you to the defendant, Mr. Baird?"

THE JOURNAL'S SUBPOENA WHICH TOOK COMMISSIONER COLLIS TO COURT

General Charles H. T. Collis,

Public Works Commissioner, was served with a subpoena calling for his attendance in Jefferson Market Police Court to testify in the prosecution of Contractor William P. Baird, just as he was entering the elevator leading to the offices of the Department of Public Works, at No. 150 Nassau street, yesterday noon.

The official document was served upon General Collis by a reporter for the Journal for the purpose of securing his evidence as to his official correspondence with Contractor Baird regarding his alleged violation of his contract.

Form No. 179. SUBPOENA TO INVESTIGATE

CITY MAGISTRATES' COURT, 2 DISTRICT,

125 South Street (Jefferson Market)

CITY AND COUNTY OF NEW YORK, ss.

In the name of the People of the State of New York,

To General Charles H. T. Collis

Department Public Works

Having reason to suppose an offense has been committed, and for the purpose of investigating whether it has been committed,

YOU ARE COMMANDED to appear before me, J. E. Hedges, one of the City Magistrates in the City of New York, at the 2nd District City Magistrates' Court, 125 South Street, in the said City, on the 4th day of October, 1897, at 3³⁰ o'clock in the afternoon of that day, as a witness for that purpose, and bring with you a copy of a letter written by you, or by your agent, dated Sept. 27, 1896, and signed by you, to Mr. Baird, Mr. Baird's attorney, or his agent, and for a failure to attend you will be deemed guilty of a Criminal Contempt, and liable to a Fine of Two Hundred and Fifty Dollars and Imprisonment for thirty days.

Dated at the City of New York, this 4th day of October, 1897

J. E. Hedges, City Magistrate.